

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7362

**Respondents: Michael Snyder for Congress
and Michael Snyder, as Treasurer
("the Committee")¹**

Complaint Receipt Date: April 10, 2018

Response Date: April 25, 2018

EPS Rating:

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. §§ 30102(c); 30104(a), (b)
11 C.F.R. § 104.3(a)(4)**

The Complaint alleges that the Committee failed to properly itemize contributions that it received. Specifically, the Complaint alleges that the Committee itemized only \$8,608.47 of the \$33,892.46 in total contributions disclosed on its 2017 October Quarterly Report, and only \$21,272.89 of the \$36,549.31 in total contributions disclosed on its 2017 Year-End Report.

Respondents acknowledge the high percentage of small contributions to the campaign, but maintain that each contribution has been reported, and state that the FEC has information for each small-dollar contribution.²

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in

¹ Snyder was a 2018 candidate for the 1st Congressional District of Idaho.

² The Committee's campaign finance reports during the 2017-2018 election cycle itemize contributions in increments as small as \$10. See Michael Snyder for Congress 2017 October Quarterly Report at 6, available at <http://docquery.fec.gov/pdf/839/201710119075608839/201710119075608839.pdf>. Respondents assert that the Complaint does not allege that the Committee incorrectly reported the total amount of contributions raised on any of its reports, but simply speculates that there must be violations among the many unitemized contributions.

potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the lack of further information supporting the allegations, we recommend that the Commission dismiss the complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.³ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

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8.2.18
Date

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³ The Reports Analysis Division advised us that the manner and ratio in which the Committee reported unitemized and itemized contributions would not trigger an RFAI or a referral to the Office of General Counsel or the Office of Alternative Dispute Resolution.